THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.64 OF 2000

DATED: 14-12-2005

Between:

M.P.Ramulu . . .Petitioner

And

The Regional Manager, APSRTC, Karimnagar

and another . . .Respondent

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O R D E R:

The petitioner was initially appointed as Conductor on 22.05.1976 in the respondent-Corporation and posted at Kurnool District. On his representation, and on forgoing his seniority of service rendered at Kurnool, he was transferred from Kurnool to Karimnagar district through orders, dated 07.04.1977. Thereafter, his name was placed in the seniority list of Karimnagar region, and on transfer he was posted at Nizamabad depot, which consists of Karimngar region. Subsequently, since bifurcation of Karimnagar and Nizamabad divisions took place, he opted for Karimnagar division, and accordingly, he was retransferred to respondent No.2-Depot. The petitioner states that as per the Circulars and Regulations of the A.P.S.R.T.C. if an employee continuously works for 12 years in a post without any break, he is entitled for stagnation increment, and as he had completed 12 years of service in the respondent region, he was granted special grade increment vide order dated 24.11.1988 and he was being paid accordingly since then. While the matter stood thus, respondent No.1 passed the order, dated 26-10-1999, directing respondent No.2 to cancel the selection grade orders issued and to refix the pay of the petitioner in the post of Conductor Grade II and to recover the amounts paid so far. Aggrieved by the said orders, the petitioner filed the present writ petition.

When the matter is taken up for hearing today, it is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for the respondents-Corporation that the subject matter of this writ petition is squarely covered by the decision rendered by a Division Bench of this Court in W.A.No.1861 of 2005, dated 07-10-2005.

This Court, in W.A. No. 1861 of 2005, dated 07.10.2005, held thus.

> "The learned Standing Counsel appearing on behalf of the appellants submits that the writ petition was disposed of at the stage of admission depriving the appellants of the opportunity of pointing out certain facts. According to him, as per the settlement arrived at, under Section 12(3) of the Industrial Disputes Act, 1947, between the employees union and the management, a Circular has been issued vide PD-30/2005, dated 04.06.2005, wherein it is stated that the employees, who were denied their special grade on account of their transfer from one region to another, on request on loss of seniority, would be allowed special grades on completion

of 12 years of service in the same category and their pay would be fixed notionally from the date of their eligibility and the monetary benefit consequent on fixation should be paid with effect from 01.04.2005. He submits that having regard to the said Circular, the direction issued by the learned Single Judge is not sustainable.

Considering the submissions made on behalf of both the parties and also in view of the Circular already issued by the appellants-Corporation as aforesaid, it is needless to mention that the respondent also would be entitled to be treated on the same lines as contemplated there under, by making necessary payments with effect from 01.04.2005 and fixing the scale notionally from the date of his eligibility.

Subject to the above observation, the writ appeal is disposed of. There shall be no order as to costs."

Hence, following the said decision, this writ petition is also disposed of in terms thereof. No costs.

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(N.V.RAMANA, J)

14th DECEMBER, 2005.

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